



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

October 27, 2022

By ECF

The Honorable Glenn T. Suddaby
United States District Court
Northern District of New York
James M. Hanley Federal Building and U.S. Courthouse
100 South Clinton Street
Syracuse, NY 13261

Re: *Antonyuk, et al. v. Hochul, et al.*, No. 1:22-CV-986 (N.D.N.Y) (GTS/CFH)

Dear Judge Suddaby,

This Office represents Defendants Kathy Hochul, in her official capacity as Governor of the State of New York, Steven A. Nigrelli, in his official capacity as Acting Superintendent of the New York State Police, and Matthew J. Doran, in his official capacity as Judge of the Onondaga County Court and Licensing Official for Onondaga County (collectively, the “State Defendants”), in the above-referenced action.

I write in response to the Court’s October 26, 2022 Text Notice inquiring as to the parties’ positions on whether Acting Superintendent Nigrelli should be substituted as a party for former Superintendent Kevin P. Bruen, in their respective official capacities. Former Superintendent Bruen recently resigned from government service, effective October 19. The State Defendants agree that substitution is appropriate under Federal Rule of Civil Procedure 25(d), which provides that when a party in his or her official capacity “ceases to hold office while the action is pending[, t]he officer’s successor is automatically substituted as a party.”

We thank the Court for its time and consideration of this matter.

Hon. Glenn T. Suddaby
October 27, 2022
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Respectfully submitted,

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cc: All Counsel of Record (by ECF)